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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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10 JIM BASS HOLDEN,

11 Petitioner,

12 vs.

13 WARDEN SANDIE, *et al.*,

14 Respondents.
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) 3:15-cv-00374-RCJ-WGC
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ORDER

16 Petitioner has submitted an application to proceed *in forma pauperis* and a habeas petition.
17 ECF No. 1.

18 The matter has not been properly commenced because the pauper application does not
19 include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner
20 must attach both an inmate account statement for the past six months and a properly executed
21 financial certificate. Petitioner did not attach a financial certificate or an inmate account statement
22 for the past six months. The application therefore is incomplete.

23 Further, the court notes that petitioner has a pending habeas proceeding in this court
24 (2:14-cv-00894-APG-PAL) in which he is challenging the same conviction and sentence he seeks to
25 challenge with the habeas petition submitted herein. ECF No. 1-1, p. 1. That proceeding is currently
26 stayed to allow petitioner to exhaust state court remedies for claims raised therein. See ECF No. 17

1 in Case No. 2:14-cv-00894-APG-PAL. With the lone ground for relief contained in his newly-
2 submitted petition, petitioner appears to dispute the Nevada Supreme Court's recent disposition of a
3 state post-conviction proceeding related to his stayed federal case. Rather than be the subject of a
4 new habeas proceeding, that issue is more properly raised in Case No. 2:14-cv-00894-APG-PAL
5 after the stay is lifted.

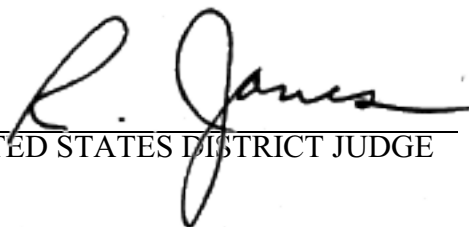
6 The application for leave to proceed *in forma pauperis* therefore will be denied, and the
7 present action will be dismissed.

8 **IT THEREFORE IS ORDERED** that the application to proceed *in forma pauperis* (ECF
9 No. 1) is **DENIED** and that this action shall be **DISMISSED**.

10 **IT FURTHER IS ORDERED** that a certificate of appealability is **DENIED**, as jurists of
11 reason would not find the court's dismissal of this improperly commenced action without prejudice
12 to be debatable or incorrect.

13 **IT FURTHER IS ORDERED** that the Clerk of Court shall enter judgment accordingly and
14 close this case.

15 Dated this 25th day of August, 2015.

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18 UNITED STATES DISTRICT JUDGE
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